

**STATEMENT OF BASIS (AI No. 1694)**

for draft Louisiana Pollutant Discharge Elimination System permit No. LA0037923 to discharge to waters of the State of Louisiana.

**THE APPLICANT IS:** Kleinpeter Farms Dairy, LLC  
14444 Airline Hwy.  
Baton Rouge, LA 70817

**ISSUING OFFICE:** Louisiana Department of Environmental Quality (LDEQ)  
Office of Environmental Services  
Post Office Box 4313  
Baton Rouge, Louisiana 70821-4313

**PREPARED BY:** Kelli Hamilton

**DATE PREPARED:** October 12, 2009

**1. PERMIT STATUS****A. Reason For Permit Action:**

Permit reissuance of a Louisiana Pollutant Discharge Elimination System (LPDES) permit for a 5-year term.

B. LPDES permit - LPDES permit effective date: September 1, 2004  
LPDES permit expiration date: August 31, 2009  
EPA has not retained enforcement authority.

C. Date Application Received: August 28, 2009

**2. FACILITY INFORMATION****A. FACILITY TYPE/ACTIVITY - dairy products processing facility**

Kleinpeter Farms Dairy, Inc. is a dairy processor which processes milk products (63,752,522 lbs/year), and a bottling company which bottles the milk products and juice products from concentrate (293,436 lbs/year).

The facility's operations are subject to effluent limitations guidelines for the Dairy Products Processing Point Source Category, 40 CFR 405; however, more stringent state requirements are being placed in the permit.

The facility's operations are not subject to effluent limitations guidelines for the Canned and Preserved Fruits and Vegetables Processing Point Source Category, 40 CFR 407, since the facility only bottles juice from concentrate, and does not process actual fruit into various products.

**B. FEE RATE**

1. Fee Rating Facility Type: minor
2. Complexity Type: II
3. Wastewater Type: II
4. SIC code: 2026

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C. LOCATION - 14444 Airline Hwy. in Baton Rouge, East Baton Rouge Parish  
Latitude 30°21'50", Longitude 91°02'20"

**3. OUTFALL INFORMATION**

Outfall 001

Discharge Type: process washwater, floor and equipment washwater, and truck washwater

Treatment: sequencing batch reactor

Location: at the point of discharge from the treatment system located at the northwest corner of the facility

Flow: 48,400 gpd

Discharge Route: private drainage ditch, thence into Old Ward's Creek, thence into Ward's Creek Diversion Canal

Outfall 002

Discharge Type: treated sanitary wastewater

Treatment: activated sludge

Location: at the point of discharge from the sanitary treatment system

Flow: 864 gpd

Discharge Route: private drainage ditch, thence into Old Ward's Creek, thence into Ward's Creek Diversion Canal

**4. RECEIVING WATERS**

STREAM - private drainage ditch, thence into Old Ward's Creek, thence into Ward's Creek Diversion Canal

BASIN AND SEGMENT - Lake Pontchartrain Basin, Segment 040201

DESIGNATED USES - a. primary contact recreation  
b. secondary contact recreation  
c. propagation of fish and wildlife

**5. TMDL STATUS**

Subsegment 040201, Bayou Manchac - Headwaters to the Amite River, is listed on LDEQ's Final 2006 303(d) List as impaired for Ammonia (Total Ammonia), Phosphorus, Nitrogen (Nitrate + Nitrite as N), Organic Enrichment/Low DO, Pathogen Indicators, Chlorides, Sulfates, and TDS. To date no TMDLs have been completed for this waterbody. A reopener clause will be established in the permit to allow for the requirement of more stringent effluent limitations and requirements as imposed by a TMDL. Until completion of TMDLs for the Lake Pontchartrain Basin, those suspected causes for impairment which are not directly attributed to the dairy products processing facilities have been eliminated in the formulation of effluent limitations and other requirements of this permit. Additionally, suspected

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causes of impairment which could be attributed to pollutants which were not determined to be discharged at a level which would cause, have the reasonable potential to cause or contribute to an excursion above any present state water quality standard were also eliminated (Cl, SO<sub>4</sub>, and TDS). This determination is made through best professional judgment.

Suspected causes of concern remaining after this elimination process are addressed in a manner consistent with the Department's permitting guidance for implementing Louisiana's surface water quality standards as follows:

LDEQ's position regarding water quality criteria for nutrients, is that when oxygen-demanding substances are controlled and limited in order to ensure that the dissolved oxygen criterion is supported, nutrients are also controlled and limited. See In The Matter of Sierra Club and Louisiana Environmental Network Request for Nutrient Limits. Docket No. AHD-DR-96001. LDEQ April 29, 1996. LAC 33:IX.2707.D.1.f.iii allows the establishment of effluent limitations based on an indicator parameter for the pollutant of concern. LDEQ's consistent approach to controlling nutrients where the WQMP does not otherwise require specific nutrient limitations is achieved by limiting the discharge of oxygen-demanding substances through BOD<sub>5</sub> limitations. Compliance with the BOD<sub>5</sub> limitations as an indicator parameter will result in the control of nutrients from the discharge sufficient to attain and maintain the applicable water quality standard. Effluent monitoring of the indicator parameter as conducted by the permittee in accordance with the permit in addition to LDEQ's ambient water quality monitoring program will allow for further evaluation by the Department to determine the effectiveness of the limitation. The reopener clause located in Other Conditions of the permit allows the Department to modify or revoke and reissue the permit if the limitations as set on the indicator parameter are shown to no longer attain and maintain applicable water quality standards.

Organic enrichment/low DO

A BOD<sub>5</sub> limit has been established in accordance with sanitary discharges.

Pathogen Indicators

A fecal coliform limit has been established in accordance with sanitary discharges.

**6. CHANGES FROM PREVIOUS PERMIT**

Monthly Average Limitations have been added to Outfall 002. Weekly Average Limitations for Outfall 002 have been changed to Daily Maximum Limitations.

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## 7. COMPLIANCE HISTORY/COMMENTS

### A. Compliance History

No records of recent compliance actions were found.

B. DMR Review/Excursions - There are no DMRs on file since December 2007.

## 8. EXISTING EFFLUENT LIMITS

Outfall 001 -		Outfall 002 -	
BOD	30:45 mg/l	BOD	--:45 mg/l
TSS	30:45 mg/l	TSS	--:45 mg/l
Oil and Grease	--:15 mg/l	Fecal Coliform	--:400
pH	6-9	pH	6-9
Visible Sheen	No Presence		

## 9. ENDANGERED SPECIES

The receiving waterbody, Subsegment 040201 of the Lake Pontchartrain Basin is not listed in Section II.2 of the Implementation Strategy as requiring consultation with the U.S. Fish and Wildlife Service (FWS). This strategy was submitted with a letter dated November 17, 2008 from Rieck (FWS) to Nolan (LDEQ). Therefore, in accordance with the Memorandum of Understanding between the LDEQ and the FWS, no further informal (Section 7, Endangered Species Act) consultation is required. The effluent limitations established in the permit ensure protection of aquatic life and maintenance of the receiving water as aquatic habitat. Therefore, the issuance of the LPDES permit is not likely to have an adverse effect on any endangered or candidate species or the critical habitat.

## 10. HISTORIC SITES

The discharge is from an existing facility location, which does not include an expansion on undisturbed soils. Therefore, there should be no potential effect to sites or properties on or eligible for listing on the National Register of Historic Places, and in accordance with the "Memorandum of Understanding for the Protection of Historic Properties in Louisiana Regarding LPDES Permits" no consultation with the Louisiana State Historic Preservation Officer is required.

## 11. TENTATIVE DETERMINATION

On the basis of preliminary staff review, the Department of Environmental Quality has made a tentative determination to reissue a permit for the discharge described in the application.

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## 12. PUBLIC NOTICES

Upon publication of the public notice, a public comment period shall begin on the date of publication and last for at least 30 days thereafter. During this period, any interested persons may submit written comments on the draft permit and may request a public hearing to clarify issues involved in the permit decision at this Office's address on the first page of the statement of basis. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing.

Public notice published in:

Local newspaper of general circulation

Office of Environmental Services Public Notice Mailing List

## 13. STORM WATER POLLUTION PREVENTION PLAN (SWP3) REQUIREMENT

A SWP3 is included in the permit because in accordance with LAC 33:IX.2511.A.1, storm water shall not be required to obtain an LPDES permit "... except... discharges associated with industrial activity." In accordance with LAC 33:IX.2511.B.14.a-k, facilities classified as SIC code 2026 are considered to have storm water discharges associated with industrial activity.

For first time permit issuance, the SWP3 shall be prepared, implemented, and maintained within six (6) months of the effective date of the final permit. For renewal permit issuance, the SWP3 shall be reviewed and updated, if necessary, within six (6) months of the effective date of the final permit. The plan should identify potential sources of storm water pollution and ensure the implementation of practices to prevent and reduce pollutants in storm water discharges associated with industrial activity at the facility. (see Narrative Requirements for the AI)

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#### Rationale for Kleinpeter Farms Dairy, LLC

1. Outfall 001 process washwater, floor and equipment washwater, and truck washwater (estimated flow is 48,400 gpd)

<u>Pollutant</u>	<u>Limitation</u> Mo. Avg:Daily Max (mg/l)	<u>Reference</u>
Flow	Report:Report	LAC33.IX.2707.I.1.b
BOD <sub>5</sub>	30: 45	See limits justification*
TSS	30: 45	See limits justification*
Oil&Grease	---: 15	See limits justification*
pH (s.u.)	6.0: 9.0 (min:max)	See limits justification*

**Treatment:** Sequencing Batch Reactor (SBR) - aeration, settling, decanting, etc. occur in the same tank in a batch process.

**Monitoring Frequency:** BOD, TSS, Oil and Grease, and pH shall be monitored 1/month per the previous permit.

**Limits Justification:** BOD, TSS, Oil and Grease, and pH are permitted based on the previous LPDES permit LA0037923.

\* Existing permits for similar outfalls.  
 su Standard Units

#### NOTE

For outfalls containing concentration limits, the usage of concentration limits is based on BPJ for similar outfalls since the flow is variable and estimated.

#### Site-Specific BPJ Considerations

LDEQ's implementing guidance, in consideration of anti-backsliding provisions of the Clean Water Act, specifies that if a pollutant is covered under both the existing permit and the Dairy Products Processing ELGs, the more stringent of the two applies.

**BOD** - the monthly average and daily maximum limits from the Dairy Products Processing effluent guidelines are less stringent than the site-specific BPJ monthly average and daily maximum limits established in the 1991 LWDPS and 1998 LPDES permits. Therefore, concentration limits for BOD of 30 mg/l monthly average and 45 mg/L daily maximum are retained from the previous LPDES permit.

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TSS - the monthly average and daily maximum limits from the Dairy Products Processing effluent guidelines are less stringent than the site-specific BPJ monthly average and daily maximum limits established in the 1991 LWDPS and 1998 LPDES permits. Therefore, concentration limits for TSS of 30 mg/l monthly average and 45 mg/L daily maximum are retained from the previous LPDES permit.

2. **Outfall 002**, the discharge of treated sanitary wastewater (estimated flow is 864 gpd).

<u>Pollutant</u>	<u>Limitation</u> Mo. Avg:Daily Max (mg/l)	<u>Reference</u>
Flow	Report:Report	LAC33.IX.2707.I.1.b
BOD <sub>5</sub>	30:45	See limits justification (1),(2) below
TSS	30:45	See limits justification (1),(2) below
Fecal Coliform	200:400	See limits justification (1),(2) below
pH (s.u.)	6.0:9.0 (min:max)	See limits justification (2) below

**Treatment:** activated sludge treatment

**Monitoring Frequency:** All parameters shall be monitored semiannually in accordance with the current permitting practices for similar outfalls.

**Limits Justification:**

- 1) Sanitary wastewater regulated in accordance with LAC 33:IX.711 or LAC 33:IX.709.B - Concentration limits are used in accordance with LAC 33:IX.2363.F.1.b which states that mass limitations are not necessary when applicable standards and limitations are expressed in other units of measurement. LAC 33:IX.709.B references LAC 33:IX.711 which expresses BOD<sub>5</sub> and TSS in terms of concentration.
- 2) BPJ utilizing the LPDES Class I Sanitary General Permit, and the previous permit.

BPJ Best Professional Judgement  
 s.u. Standard Units

NOTE

For outfalls containing concentration limits, the usage of concentration limits is based on BPJ for similar outfalls since the flow is variable and estimated.